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## THE TRIUMPH OF OUR CIVILIAN STATE

**I**N OUR patriotic fervor, we have been walking perilously near to the edge of a militarized United States. We have frequently been in danger of a Prussianized hysteria. Thoughtful men have had a right to be disturbed by some of our efforts in behalf of conscription, censorship, and the various agencies of force. It once looked as if we were to repeat our experience of 1863, and place our registrations and exemption hearings under the provost marshal; in short, to place ourselves under martial law.

The outstanding fact, however—a fact which none of our writers seem as yet to have realized—is inconspicuously embodied in Public Document No. 12 of the Sixty-fifth Congress, known as H. R. 3545, an act to authorize the President to increase temporarily the Military Establishment of the United States. It is important, of course, that this act provides for raising the Regular Army to its maximum enlisted strength, for drafting into the military service the full quota necessary for completing the National Guard and the National Guard Reserves, for drafting an additional force of five hundred thousand enlisted men, for the necessary officers, ammunition, batteries and battalions, and for still another force of five hundred thousand men. It is interesting to know that the enlisted men required to raise and maintain these forces shall be raised by voluntary enlistment, or if whenever the President decides that they cannot be effectually so raised and maintained, then by selective draft, and that all other forces authorized shall be raised and maintained by selective draft exclusively, all based upon liability to military service to all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the age of twenty-one and thirty years, both inclusive.

Notwithstanding certain exemptions, this all reads like the German system; but the fact is that it is not the German system. While the President is authorized to create and establish local boards throughout the nation for the purpose of carrying the selective draft into effect, the remarkable encouraging aspect of the provision is:

“Such boards shall be appointed by the President, and shall consist of three or more members, *none of whom shall be connected with the Military Establishment, to be chosen from among the local authorities of such subdivisions or from other citizens residing in the subdivision or area in which the respective boards will have jurisdiction under the rules and regulations prescribed by the President.*”

From our point of view, this is one of the most significant and hopeful facts connected with our nation's entrance upon the war. By this provision the registra-

tion of our boys, the whole system of recruiting, including the problems of exemption, are kept from the Military Department and safely placed in the hands of our civilian population. The military branch is subordinate to the civilian. Our army is subordinate to the law. Our civilian liberties have been preserved.

This portion of the act is so important that we print the rest of the section:

Such boards shall have power within their respective jurisdictions to hear and determine, subject to review as herein-after provided, all questions of exemption under this Act, and all questions of or claims for including or discharging individuals or classes of individuals from the selective draft, which shall be made under rules and regulations prescribed by the President, except any and every question or claim for including or excluding or discharging persons or classes of persons from the selective draft under the provisions of this Act authorizing the President to exclude or discharge from the selective draft “Persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency.”

The President is hereby authorized to establish additional boards, one in each Federal judicial district of the United States, consisting of such number of citizens, not connected with the Military Establishment, as the President may determine, who shall be appointed by the President. The President is hereby authorized, in his discretion, to establish more than one such board in any Federal judicial district of the United States, or to establish one such board having jurisdiction of an area extending into more than one Federal judicial district.

Such district boards shall review on appeal and affirm, modify, or reverse any decision of any local board having jurisdiction in the area in which any such district board has jurisdiction under the rules and regulations prescribed by the President. Such district boards shall have exclusive original jurisdiction within their respective areas to hear and determine all questions or claims for including or excluding or discharging persons or classes of persons from the selective draft, under the provisions of this Act, not included within the original jurisdiction of such local boards.

The decisions of such district boards shall be final except that, in accordance with such rules and regulations as the President may prescribe, he may affirm, modify or reverse any such decision.

Any vacancy in such local board or district board shall be filled by the President, and any member of any such local board or district board may be removed and another appointed in his place by the President, whenever he considers that the interest of the nation demands it.

The President shall make rules and regulations governing the organization and procedure of such local boards and district boards, and providing for and governing appeals from such local boards to such district boards, and reviews of the decisions of any local board by the district board having jurisdiction, and determining and prescribing the several areas in which the respective local boards and district boards shall have jurisdiction, and all other rules and regulations necessary to carry out the terms and provisions of this section, and shall provide for the issuance of certificates of exemption, or partial or limited exemptions, and for a system to exclude and discharge individuals from selective draft.

The dangers of a militarized state are not imaginary. Militarized states have brought the world face to face with ruin. By the action herein set forth, America has, however, taken a step which may well enable all of us to breathe a bit easier in the fateful days now before us.